APPENDIX A

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 98-30264

DONNIE FRANKLIN COLLUM,
Applicant-Appellant,

versus

BURL CAIN. Warden, Louisiana State Penitentiary;
RICHARD IEYOUB, Attorney General, State of Louisiana,
Respondents-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana

FILED
SEP 14 1998
CHARLES R. FULBRUGE III
CLERK

ORDER:

Donnie Franklin Collum (#88439), a state prisoner, has given notice of his appeal from the district court's order dismissing his application for a writ of habeas corpus. Before Collum may proceed with his appeal, he must obtain a certificate of appealability ("COA") from a judge of this court. *See* 28 U.S.C. § 2253(c)(1)(A). COA will be granted only if Collum makes a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Collum contends that his waiver of his constitutional rights against self-incrimination and to assistance of counsel prior to giving his confession was not knowing and voluntary, and that

his right to due process was denied when the state courts refused to apply the rule in *State ex rel. v. Dino*, 359 So. 2d 586 (La. 1978), retroactively. Collum has failed to make a substantial showing of the denial of a constitutional right, and therefore, COA is DENIED as to these issues.

Collum's request for leave to proceed in forma pauperis on appeals is also DENIED.

/s/ Emilio M. Garza
EMILIO M. GARZA
UNITED STATES CIRCUIT JUDGE

APPENDIX B

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 98-30264

DONNIE FRANKLIN COLLUM,
Petitioner-Appellant,

versus

BURL CAIN. Warden, Louisiana State Penitentiary;
RICHARD IEYOUB, Attorney General, State of Louisiana,
Respondents-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana, New Orleans

FILED
OCT 27 1998
CHARLES R. FULBRUGE III
CLERK

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the appellant's motion for leave to file a motion for reconsideration out of time is GRANTED.

A member of this panel has previously denied a certificate of appealability. After consideration by this panel upon request of appellant, IT IS ORDERED that appellant's motion for reconsideration is denied.

APPENDIX C

The Supreme Court of the State of Louisiana

No, 97-KP-1057

DONNIE COLLUM

vs.

JOHN WHITLEY, WARDEN
LOUISIANA STATE PENITENTIARY

IN RE: Collum, Donnie; — Plaintiff(s); Applying for Supervisory and/or Remedial Writ; Parish of Lafourche 17th Judicial District Court Div. "D" Number 78836.

September 19, 1997

Denied.

CDK
PFC
WFM
HTL
BJJ
CDT
JTK

VICTORY, J. not on panel.

Supreme Court of Louisiana
September 19, 1997

/s/ [signature illegible]
Clerk of Court
For the Court

APPENDIX D

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

October 1, 1979

Ferdinand C. Kleppner, Esq.
Grisbaum & Kleppner
3224 N. Trunball Drive
Metairie, LA 70002

RE: Donnie Franklin Collum v. Louisiana
No. 78-1715

Dear Mr. Kleppner:

The Court today entered the following order in the above-entitled case:

The petition for writ of certiorari is denied. Mr. Justice Marshall would grant certiorari.

Very truly yours,

Michael Rodak, Jr., Clerk

/s/ Michael Rodak, Jr.